

AMENDED IN SENATE APRIL 30, 2003

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 757

Introduced by Senator Poochigian

February 21, 2003

An act to add Sections ~~3208.25, 4600.8, 5307.26, and Section 5307.27~~ to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 757, as amended, Poochigian. Workers' compensation: *official utilization schedule*.

Existing law establishes a workers' compensation system to compensate an employee for injuries sustained in the course of his or her employment. ~~Existing law requires, among other things, that an employer shall provide specified medical treatment to an injured employee.~~

Existing law requires the Administrative Director of the Division of Workers' Compensation to, among other duties, adopt a medical fee schedule, a pharmaceutical fee schedule, an outpatient surgery facility fee schedule, and a fee schedule for medical-legal expenses.

~~This bill would require an injury to be at least 50% work-related in order to be compensable under the workers' compensation system. The bill would specify that an employer is only required to provide those tests, evaluations, and treatments necessary to diagnose and treat a workers' employment-related injury.~~

This bill would also require the administrative director, by January 1, 2004, to adopt a fee schedule for all outpatient facilities and to adopt by July 1, 2004, ~~a~~ to adopt an official utilization schedule, both of which

shall be based on ~~national standards~~ *prescribed findings and recommendations, that specifies utilization guidelines and protocols for purposes of the workers' compensation law.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 3208.25 is added to the Labor Code, to~~
2 ~~read:~~

3 ~~3208.25. Notwithstanding any other provision of law, in order~~
4 ~~for an injury to be compensable under this division, the injury shall~~
5 ~~be at least 50 percent work related.~~

6 ~~SEC. 2. Section 4600.8 is added to the Labor Code, to read:~~

7 ~~4600.8. An employer is only required to provide those tests,~~
8 ~~evaluations, and treatments that are necessary to diagnose and treat~~
9 ~~the work-related injury for which an employee is seeking~~
10 ~~compensation.~~

11 ~~SEC. 3. Section 5307.26 is added to the Labor Code, to read:~~

12 ~~5307.26. (a) Notwithstanding any other provision of law, the~~
13 ~~administrative director shall adopt, not later than January 1, 2004,~~
14 ~~and revise, no less frequently than biennially, a fee schedule for all~~
15 ~~outpatient facilities, based on appropriate national standards.~~

16 ~~(b) Until a fee schedule for outpatient facilities is adopted~~
17 ~~pursuant to this section, procedures for outpatient facilities shall~~
18 ~~be subject to the official medical fee schedule adopted by the~~
19 ~~administrative director pursuant to Section 5307.1.~~

20 ~~SEC. 4.~~

21 ~~SECTION 1. Section 5307.27 is added to the Labor Code, to~~
22 ~~read:~~

23 ~~5307.27. The administrative director, after public hearings,~~
24 ~~shall adopt, not later than July 1, 2004, and revise, no less~~
25 ~~frequently than biennially, an official utilization schedule, based~~
26 ~~on appropriate national standards findings and recommendations~~
27 ~~as set forth in the 2003 Utilization Report by the Commission on~~
28 ~~Health and Safety and Workers' Compensation, that specifies~~
29 ~~utilization guidelines and protocols for purposes of this division.~~